

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6576**

**BILL NUMBER:** HB 1546

**NOTE PREPARED:** Mar 26, 2007

**BILL AMENDED:** Mar 22, 2007

**SUBJECT:** Access to Military Discharge Records.

**FIRST AUTHOR:** Rep. GiaQuinta

**FIRST SPONSOR:** Sen. Wyss

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that a military discharge record is not available for public inspection and copying. The bill allows the veteran who is the subject of the record, a veterans' service officer, an employee of the Indiana Department of Veterans' Affairs, a funeral director, the spouse or next of kin of a deceased veteran, and other persons under a court order to have access to the record. The bill also provides that: (1) for military discharge records filed before May 15, 2007, a county recorder must, to the extent technologically feasible, take precautions to prevent the disclosure of a military discharge record; and (2) after May 14, 2007, a county recorder must maintain military discharge records in a separate, confidential, and secure file from other records.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Summary:* Under the bill, a public employee disclosing a military discharge (except to the person subject of the discharge, a veterans' service officer, an employee of the Indiana Department of Veterans' Affairs, a funeral director, and other persons under a court order to have access to the record) would be subject to the penalty for unlawful disclosure, a Class A misdemeanor.

*Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

*Background:* The U.S. Census Bureau estimates 513,105 veterans currently reside in Indiana.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies, veterans service officers, county recorder.

**Information Sources:** U.S. Census Bureau, American Community Survey,  
<http://www.census.gov/acs/www/Products/Profiles/Single/2003/ACS/Tabular/040/04000US182.htm>;  
Brian Burdick, Association of County Recorders.

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